



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOV 26 2012

Mr. Milt Dudley
Director of Engineering/Safety Officer
Inland Hospital
200 Kennedy Memorial Drive
Waterville, Maine 04901

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Inpatient Project, Inland Hospital

Dear Mr. Dudley:

This is in response to the Inland Hospital's (the Hospital) Notification¹ for approval of a proposed plan to address PCB contamination found in the building known as the Dean Building (the Site), located at 200 Kennedy Memorial Drive, Waterville, Maine. The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in window and door caulk and adjacent *porous surfaces* (i.e., concrete).

In its Notification, the Hospital has proposed the following PCB cleanup and disposal plan:

- Remove PCB caulk, affected metal window/door systems (i.e., whole component) in contact with the caulk, and associated masonry wall panels (stone, concrete, or plaster) as specified in the Notification, and dispose in a TSCA-approved disposal facility or RCRA hazardous waste landfill

¹ The Notification was prepared by Summit Environmental Consultants, Inc on behalf of the Inland Hospital to satisfy the requirements under 40 CFR §§ 761.61(a) and (c). Information was submitted dated July 27, 2012 (PCB Caulking Remediation Work Plan) and October 25, 2012 (Response to Comments). These submittals shall be referred to as the "Notification".

- *Porous surfaces* (i.e., structural concrete) with greater than ($>$) 1 part per million (ppm) PCB concentration, that will remain, will be encapsulated with an acrylic coating within 6 inches of the caulk joint

The Hospital has determined that certain caulk, which has a PCB concentration at less than ($<$) 50 ppm, is an *Excluded PCB Product*. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement to remove these building materials or to decontaminate surfaces that are in contact with these building materials. However, as indicated in the Notification, this caulk will be removed and disposed of as a *PCB bulk product waste* as part of the renovation work.

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62(a) and § 761.79(h) for abatement of PCB caulk and §§ 761.61(a) and (c) for decontamination and/or encapsulation of the *porous surfaces*. EPA finds that the proposed encapsulation of PCB-contaminated *porous surfaces* should effectively prevent direct exposure of these PCB-contaminated *porous surfaces* to building users provided the encapsulated surfaces are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

The Hospital may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its right to require additional investigation or mitigation measures should the results of the post-abatement sampling or long-term monitoring indicate an unreasonable risk to the building users.

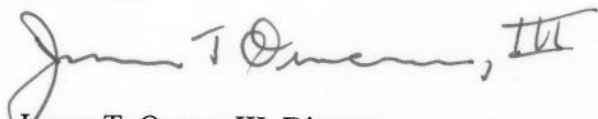
The Hospital will be required to record a notation on the deed as required under § 761.61(a)(8) since PCBs at > 1 ppm will remain at the Site (Attachment 1, Condition 16). Please be aware that the Maine Department of Environmental Protection (MEDEP) may require an environmental covenant (EC) since PCBs will remain at the Site. As such, EPA encourages the Hospital to contact MEDEP to discuss what, if any requirements, may apply to this project. Please see Attachment 1, Condition 16.b.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "James T. Owens, III". The signature is fluid and cursive, with the last name "Owens" being the most prominent part.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Dennis Kingman, Summit Environmental
Ed Vigneault, MEDEP
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
DEAN BUILDING ("the Site")
200 KENNEDY MEMORIAL DRIVE
WATERVILLE, MAINE

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* identified in the Notification and located within the Dean Building Inpatient project area (the Site).
2. Inland Hospital (the Hospital) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Hospital must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Hospital shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The Hospital is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Hospital has or receives information indicating that the Hospital or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Hospital are authorized to conduct the activities set forth in the Notification. The Hospital is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Hospital from compliance with any applicable requirements of federal, state or local law; or 3) release the Hospital from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Hospital of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The Hospital shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored, with appropriate figures, and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. All visible residues of PCB-contaminated caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.

13. Following encapsulation of PCB-contaminated *porous surfaces*, sampling of encapsulated surfaces shall be conducted to determine the effectiveness of the encapsulation.
 - a. Surface wipe samples shall be collected from encapsulated surfaces. Wipe sampling shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$).
 - b. In the event that the PCB concentration in **any** surface wipe sample is greater than ($>$) $1\text{ }\mu\text{g}/100\text{ cm}^2$, Inland Hospital shall contact EPA for further discussion and direction on alternatives.
 - c. Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
14. Post-abatement indoor air sampling and indoor surface wipe sampling for PCBs shall be conducted to determine the impact of the abatement activities.
 - a. Post-abatement sampling
 - i) Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of less than ($<$) $0.05\text{ }\mu\text{g}/\text{m}^3$ for total PCBs. At a minimum, PCB analysis shall include PCB homologues and/or PCB congeners.
 - ii) Wipe sampling of unencapsulated indoor surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$).
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
 - b. In the event that the PCB concentration in **any** surface wipe sample is greater than ($>$) $1\text{ }\mu\text{g}/100\text{ cm}^2$ or **any** indoor air sample is $> 0.05\text{ }\mu\text{g}/\text{m}^3$, Inland Hospital shall contact EPA for further discussion and direction on alternatives.

15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

16. Within 45 days of completing the activities described in the Notification and in the Approval, the Hospital shall submit for EPA review and approval:
 - a. A draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site, which may be satisfied by the monitoring and maintenance implementation plan ("MMIP", see Condition 17). Within seven (7) days of receipt of EPA's approval of the draft deed restriction, the Hospital shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction; or alternatively,
 - b. A draft environmental covenant (EC) for the Site. In the event that an EC will be executed and recorded on the Site pursuant to the Maine Uniform Environmental Covenant Act due to the PCB contamination remaining following abatement, the EC may be used to meet the deed restriction requirement specified in Condition 16.a., provided all deed restriction information specified in Condition 16.a. is contained within the EC. The Hospital shall submit the draft EC to both EPA and the Maine Department of Environmental Protection (MEDEP) for review and approval. A copy of this Approval shall be included with the final executed and recorded EC.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

17. Within 30 days of completion of the work authorized under this Approval, the Hospital shall submit for EPA's review and approval, a detailed monitoring and maintenance implementation plan (MMIP) for the surface barriers. The Hospital shall incorporate any changes to the MMIP required by EPA.
 - a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
 - d. The Hospital shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
18. The Hospital shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Hospital to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
19. Any modification(s) in the plan, specifications, or information submitted by the Hospital, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The Hospital shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.

20. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from the Hospital to make a determination regarding potential risk.
21. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

22. The Hospital shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the Hospital in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
23. As required under Condition 17 of this Approval, the Hospital shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.
24. The Hospital shall submit a final report in both electronic and hard copy, to the EPA within 90 days of completion of the activities authorized under this Approval. At a minimum, this final report, shall include: a short narrative of the project activities with a photo log; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction or EC and a certification signed by a Hospital official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.

25. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

26. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1